



# TOWN OF JEROME

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## Regular Meeting of the Town of Jerome

### DESIGN REVIEW BOARD

Tuesday, April 25, 2023, 6:00 pm

600 Clark Street

### MINUTES

#### 6:00 (0:01) Item 1: Call to order/Roll Call

Present at the meeting were Chair Brice Wood, Vice Chair Tyler Christensen, and board members John McDonald, Mimi Romberger, and Carol Wittner.

Staff present included Zoning Administrator Will Blodgett and Deputy Town Clerk Kristen Muenz.

#### 6:00 (0:59) Item 2: Petitions from the public

##### Possible Direction to Staff

There were two petitions from the public to speak: one from Barbara Nelson with concerns about the Foy Garage, and one from Gregory Worth with concerns about the Foy Garage. As both were regarding an agenda item, Ms. Nelson and Mr. Worth requested to wait until the item was up for discussion to speak.

#### 6:01 (1:41) Item 3: Approval of Minutes: Minutes from the special meeting of Thursday, March 28, 2023.

##### Discussion/Possible Action

Chair Wood moved to accept the minutes from the Special Meeting of March 28, 2023, and Mr. McDonald seconded the motion.

##### Motion to approve the Minutes from the Special Meeting of Thursday, March 28, 2023

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD		X	X			
ROMBERGER			X			
WITTNER			X			
WOOD	X		X			

#### Continued Items/Old Business

None

#### New Business:

#### 6:02 (2:18) Item 4: Applicant is seeking approval for new Signage.

Applicant/Owner: Traci Throne / Copper Canyon Christmas

Zone: C-1

Address: 111 Jerome Ave.

APN: 401-06-010

Applicant is seeking approval to update the signage on the business.

##### Discussion/Possible Action

Zoning Administrator Will Blodgett introduced the item and read a brief analysis. He explained the applicant was seeking to update the signage at the Copper Canyon Christmas Store; in total, one wall sign and one hanging sign to replace the existing signs. The new hanging sign will measure 36 x 54, for a total square footage well under the maximum allowed, and the location of the sign will not change. Mr. Blodgett read a letter from the applicants which described the color, font, and said that the new logo featured Santa, reflective of the store. They will be utilizing the same materials as the existing signs, and will also be replacing the wall sign on the side of the building with the same design, in the same shape as the existing wall sign.

Looking at the design, Chair Wood commented that it was a nice sign.

Vice Chair Tyler Christensen said that it was straightforward and motioned to approve the project as presented.

##### Motion to approve the new signage at 111 Jerome Avenue

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD			X			

#### 6:04 (4:58) Item 5: Applicant is seeking approval for new Signage.

Applicant/Owner: Karen Mackenzie / Lee Christensen

Zone: C-1

Address: 505 Main Street

APN: 401-06-088

Applicant is seeking approval for new signage.

**Discussion/Possible Action**

Mr. Blodgett explained that the applicant was seeking approval for new signage for 505 Main Street: two signs, one hanging and one wall mounted. He briefly described the history of the building, known as the Central Hotel. The projecting hanging sign is to be hung 11 feet above the sidewalk and, at 3 feet by 3 feet, will hang 8 feet above the sidewalk, within regulation requirements. The wall mounted sign will be 2 feet by 3 feet, for a total of 6 square feet, and well within size regulations. Mr. Blodgett read the statement from applicant, which stated that the name of the new business was Desert Pearl. It further explained that the wall mounted sign will be attached to the side of the building and the hanging sign will be constructed of acrylic. Mr. Blodgett pointed out images included in the packet of the proposed signs.

Board member Mimi Romberger commented that the sign looked beautiful and motioned to approve as submitted.

**Motion to approve the new signage at 505 Main Street**

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD		X	X			
ROMBERGER	X		X			
WITTNER			X			
WOOD			X			

**6:07 (7:47) Item 6: Applicant is seeking approval for new Signage.**

Applicant/Owner: Sadia Victov (Raku Galleries)

Zone: C-1

Address: 250 Hull Avenue APN: 401-06-052

Applicant is seeking approval for a new Sign on the front of the building.

**Discussion/Possible Action**

Mr. Blodgett explained that the applicant was seeking approval for a new pole mounted sign at 250 Hull Avenue. He said that the permanent, mounted metal sign has been chemically aged for a vintage feel. The building at 250 Hull Avenue was listed in the 2007 Historic Survey as a non-contributing structure to the historic status. He said the 36-inch by 36-inch sign is within Zoning Ordinance regulations for size, and it is mounted on a 10-foot post over the property, avoiding the sidewalk.

Mr. Wood said that in his opinion, it is a very elegant sign; simple and straightforward and works with the building and the streetscape. He motioned to approve the Raku sign as presented.

Mr. Christensen said he would like to make the comment that the sign was put in place before the application was submitted to the town. We would prefer to have it the other way around.

Mr. Blodgett replied that he had a discussion with the property owner on that subject, and they are aware.

**Motion to approve the new signage at 250 Hull Avenue**

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN			X			
MCDONALD			X			
ROMBERGER		X	X			
WITTNER			X			
WOOD	X		X			

**6:09 (9:56) Item 7: Applicant is seeking approval for Sign placement.**

Applicant/Owner: Artis Roque & Thomas Blosser

Zone: C-1

Address: 367 Main Street APN: 401-06-026N

Applicant is seeking approval for the placement of Signage on the building.

**Discussion/Possible Action**

Mr. Blodgett explained that the applicants were Ms. Roque and Mr. Blosser for the candy shop known as Rickeldoris. The shop had previously moved locations and had asked if their signage needed to go before DRB. He said that he would like to own that he forgot to advise them that placement on the building was part of the review process. So, he wished to bring them into compliance, and they were more than willing to work with the town on this. They are seeking approval for the placement of the sign on the side of the building where it is currently located. Mr. Blodgett explained that it is a previously reviewed and approved sign with no changes, so only the placement was under review. He then read a brief description of the building's history. Mr. Blodgett explained that the Zoning Ordinance required no more than 2 signs permitted, not over 16 square feet in maximum size, and not projecting above the roofline or roadway. There was no ordinance language as to height and location of sign placement, so he could find no issues with that. He said that as the Historic Preservation Commission, if we have issues with the aesthetics of that whole area, that is absolutely worth discussing. Mr. Blodgett noted that, while we may not have other signs as colorful, we do have signage elsewhere that is high on buildings.

Mr. Wood asked, would they move the sign if they were asked to?

Mr. Blodgett replied that he was not certain.

Mr. Christensen said that he would like to comment that this sign was on the previous building and pretty much in the same area, high up on the building. He imagined its utility was so that people could see it from up the street, far away, and he did not have any issue with it.

Ms. Romberger said that she had lived with that sign where it used to be, and she didn't have an issue with it. She asked, is it the same size, or have they made it bigger?

Mr. Blodgett answered that it was literally the same sign as before.



Ms. Romberger repeated that she did not have a problem with it.

Ms. Wittner said that she did not love it, only because of where it is on Main Street; she felt it was okay where it was before.

In response, Mr. Wood asked if she would prefer it to be moved lower.

Ms. Wittner replied that it was not an option, correct?

Mr. Blodgett said his job, and his goal, is to take concerns and negotiate a situation that works with everyone involved. He said, with this type of thing, we don't have a lot of teeth. Part of that is negotiation, so if you would like for me to reach out and talk about repositioning of the sign, he would be happy to talk to them. He said he will also have to talk to the town attorney about whether we can enforce moving the sign. Mr. Blodgett explained that, because it does not conflict with the Zoning Ordinance, his personal recommendation would be to approve the sign; but he would be happy to work with any recommendation from the board.

Ms. Wittner responded that she did not think we had to move in that direction, and thought that we should approve it.

Mr. Wood asked for comments from Mr. McDonald.

Mr. McDonald said it is the exact same sign, it is up on the side of the building just like it was on the lower street. He said he had no concerns or problems with it and would move to approve it.

Mr. Wood said he had been surprised to see the sign up that high but, in fact, he thought that it was okay.

**Motion to approve sign placement at 367 Main Street**

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN		X	X			
MCDONALD	X		X			
ROMBERGER			X			
WITTNER			X			
WOOD			X			

**6:15 (16:00) Item 8: Applicant is seeking approval for a Garage Remodel.**

Applicant/Owner: Kelley Foy

Zone: R1-5

Address: 121 Third Street

APN: 401-08-040

Applicant is seeking approval for the remodel of a Garage.

**Discussion/Possible Action**

Mr. Blodgett introduced item 8, an application for a garage remodel. He explained that our Zoning Ordinance does not address remodels, and we don't have a definition for a remodel. As such, when he looked into it, when it comes to a remodel involving part of a historic property or structure, if you don't have an outline the decision on whether it is treated as new construction, or a remodel goes to the Historic Preservation Committee. Mr. Blodgett said that he has only learned some of this over the last few months, it has been a learning experience, and said that he would recommend approval because he felt it would be unfair at this point to retroactively apply a different set of standards than we have previously. That said, we are working to establish standards for the future so that we don't have gray areas. What the historic part entails is a historic concrete wall that runs along the back side; the new structure will be affixed to that wall and incorporate it to preserve it. Mr. Blodgett said that neighboring counties and towns have a wide range of thresholds or percentages but typically in Arizona he saw that one wall or 10% was the threshold for a remodel.

Mr. Wood asked what was in our ordinance and Mr. Blodgett replied that we have no threshold.

Mr. Wood said it seemed to him if you have 4 walls and a roof, that is a building. If you remove them, that is a complete demolition. He said he did not think invisible or underground things count; we are a visible board, and we talk about things you see.

Mr. Blodgett added that we are also the Historic Preservation Committee.

Mr. Wood repeated that he did not see it as a remodel, that was a stretch he was not willing to go to.

Mr. Blodgett said that he understood there were a lot of feelings involved. He asked to make a point that on page 11, the elevations were not to scale, but he had added it because he wanted to provide a visual of the metal exterior.

Mr. Wood commented that he has seen nothing in town that looks remotely like this, and visual compatibility has to do with visual quality and elements. He said it was a larger scale version of some temporary storage he has seen around town. He said that in the future we need to have definitions for things we have never considered. He asked for Mr. Blodgett's position on shipping containers.

Mr. Blodgett replied that it was a separate issue.

Mr. Wood stated that it was not listed anywhere in our ordinance, and it was not allowed.

Mr. Blodgett explained that the container being discussed was purpose-built as a trailer, and was allowed as it was completely on private property. He said that the purpose of Design Review is to review the exterior design of the structure and suggested that it was a good time to let the applicant speak on the project.

(23:14) The applicant, Kelley Foy, approached the dais and introduced herself.

Jerome resident Greg Worth called a point of order and suggested that he should speak first.

Chair Wood said that Ms. Foy had been asked to speak, and he would like her to go first because it was her project.

Ms. Foy said that she thought the application spoke for itself. She said she has modified it many times to fit requirements. She said what we're looking at is compatibility; she has served on Design Review and is a designer, so she said she understood the rules. She has matched the roofline of her house and said, though there are not images of similar buildings within the packet, there are many in town. She mentioned two garages that she felt were compatible with her design. Ms. Foy said that she would answer questions.

Mr. Wood said that he would like to bring up two things right away. First, he is sympathetic to her wanting a new workshop, and commented that the other work she has done on \*South 1st Street is exemplary. He said it is not him personally, he is just trying to satisfy the ordinance and his understanding of it.

(\*At the May 23<sup>rd</sup> meeting of the Design Review Board, Chair Brice Wood clarified that his comment above was in reference to the house on 1<sup>st</sup> St, not 3<sup>rd</sup>.)

Ms. Foy said she understood that, but interpreting whether it is a remodel is not your purview. She said that in five years, she could have built this already and then you could fight me, but she did not do that, so she asked that we give her a little more respect. Ms. Foy said she has come before the board many times, redrafted the building, and changed the height. She had new architectural drawings made that are acceptable and with a clear vision. She said, if you think my work is exemplary, most of her work is similar, she puts everything into it. As for the temporary storage in front of her house, she said that was not an indication of her intentions and it is just for storing her stuff, which she said is a non-issue.

Mr. Wood apologized for bringing that up.

Mr. Blodgett explained that he does see a lot of metal-sided buildings in town, especially accessory buildings like garages. Those types or buildings are compatible, however, if there are certain compatibility issues with this particular design, this is where we work with the applicant rather than be adversarial.

Ms. Foy said she would like to draw attention to the garage next to her property, which was a historic garage that was torn down and rebuilt. She said she felt a lot of scrutiny was being put onto her, and it was not consistent.

Greg Worth asked to speak. Chair Wood recognized Jerome resident Greg Worth.

(29:25) Mr. Worth explained that he owned the property next door to Ms. Foy. He said that he was at the recent Planning and Zoning meeting, and they conditionally approved the outline and height based on if this board decided it was a historic rebuild or a new build. He said, that has to be decided yet. Mr. Worth said that he had prepared some remarks and would like to read his remarks into record. "According to the Zoning Administrator Will Blodgett in the packet on page 2, the garage was built in 1981. If that is true, that makes this building an illegal nonconforming building, which is in the code." If it is built or replaced, it is subject to current setbacks. Mr. Worth said our garage was a legal nonconforming building, and it was rebuilt with full approval of all the boards here, so there was no issue. Number two, if you want to leave it on the same footprint, what you do is go to the Board of adjustment and say we want to be on the same footprint; there is a mechanism for that. Mr. Worth said he did a professional survey of the property when he bought the property next to her in 2020. As far as we can tell, the back end of the garage is over the property line, so we need to make sure that is not the case. There are pins in there, we can run a string, it is hard to get in there, but it looks like the back edge is over the property line. So he want to make sure.

Mr. Blodgett asked, we have been talking about this for a year, why was he just now bringing that up?

Mr. Worth responded, "you never asked." He said it was triggered by the building inspector coming by and asking if it was over the property line.

Mr. Worth said that he did a survey to determine whether he was within the property line, not if she was. He continued, number three: the DRB checklist is not in here, I don't know why we don't use the checklist. There's a checklist that says, 'here's the stuff,' just as a point of order.

Number 4: at the P&Z meeting on March 21<sup>st</sup> conditional approval was given based on the assumption it is a historic rebuild. Mr. Worth said it has never been shown in the diagrams how the historic wall, which he claimed was not on the south side and the diagrams are wrong, it is on the side with the garage and house and that's not the south side. So, your diagrams need to be fixed because in the meeting, you claimed it was the south side. It was decided that if you decided it was a new build, it goes back for reapproval. He said it is a pole barn being proposed here, you go buy a kit and you stand it up. There is nothing here that shows how it will be incorporated to the wall, nothing indicates how the wall will be incorporated. Mr. Blodgett replied that question was answered at the P&Z meeting.

Mr. Worth countered; no, it wasn't. There are no diagrams, there is nothing, no pictures, it needs to be in here. Number six: buying a pole barn kit and erecting it on the property is not compatible; these are the kind of things you put in industrial areas and farms, not residential areas. Where are samples of the actual materials? We had to bring samples of materials. He agreed that the roof would be the same, but what is it clad in? What is on the outside, what color is it going to be? In the P&Z meeting, it was indicated that the south wall was going to be demolished and the west wall would be incorporated but the diagrams are labeled wrong. He said, please clarify. Mr. Worth also indicated that the Jerome Fire Department had sent a letter with concerns; he said you need to go ask if they are happy.

Mr. Blodgett asked if he could respond, and Chair Wood asked for him to speak. He said we have addressed Chief Blair's concerns. He does not like nonstandard setbacks.

Mr. Wood said that his understanding is that the Fire Department needs room to fight a fire and 5 feet is in the ordinance.

Mr. Blodgett said that is required for new construction and, where we can, that is preferred. However, as to the building that is currently there, the original garage was destroyed by fire and possibly rebuilt in 1981. He said, I was not here then and cannot speak to the particulars about that.

Mr. Wood said that he was here then, and that is not true. There had been a building that looked like the Worth house on the property, but that was gone before he got to Jerome in 1976. He said that he didn't know a particular time, but it was probably in the historic period. He said that there was a period of time in Jerome where there wasn't a lot of record keeping, but it was already old enough to consider it a historic building.

Mr. Blodgett agreed that we have to consider it historic and, if the historic preservation committee chooses to treat it as a remodel, it can use the current setbacks. That has been part of the back and forth for almost a year. The building that is there is wood and old and dry; it is more of a fire hazard than a metal structure. That would not mitigate all of Chief Blair's concerns; however, we try to have setbacks. But we are also a historic town, and there are going to be times when we don't have the land. He said we need to look at this carefully and find ways to mitigate when we can. Mr. Blodgett explained that he had gone into this building and seen the wall, and it is an authentic, historic concrete wall. He said that in the P&Z meeting, we discussed how it was connected and Ms. Foy can explain further. The P&Z approval was dependent on you treating this as a remodel, and we don't have it defined well, which is a deficiency in the Zoning Ordinance language. However, the applicant has worked on this for years and has modified it to incorporate our requests and regulations. Mr. Blodgett said it was not clear until halfway through that the historic preservation committee decides in lieu of having a defined threshold. This may be the first time we have had to do that, but he is trying his best to do what is right and proper.

(43:28) Mr. Wood thanked Mr. Blodgett and said that he did not have any criticism of him on this, but he did not agree with his reading of our ordinance. He said that he has tried and struggled to find what justifies a demolition or semi demolition, and it is not well spelled out. However, he thought that we are dealing with the language we all speak. If you have for walls and a roof, and take 4 walls away, it is not remodel anymore. He asked, does that make sense?



Mr. Christensen replied that his comment did make sense to him.

Mr. Wood continued by saying, what this project is, from a visual and design point of view, is a demolition. He won't support it as a remodel. Although it has taken a lot of time, it is his time too; this is a volunteer board, and he does not like emergency meetings. He said we have to be skeptical for the interests of our people, and his opinion is this is not a remodel, it is a demolition, which will still require Design Review permission.

Mr. Wood repeated that he is sympathetic to Ms. Foy, but this is a demolition in his mind.

Mr. Blodgett pointed out that, having no set standards, we looked elsewhere at how others interpret it. In a lot of Arizona, they define a remodel as 10% of the original structure, or one wall. Because we don't have a set threshold, that is why it comes before the board to review as opposed to reviewing this myself. Also, because we don't have it well defined, he suggested that we err on the side of caution.

Ms. Foy requested to address some of the comments and Chair Wood invited her to speak.

Ms. Foy directed attention to the packet and said she had a legal survey that was put together prior to the packet that clearly points out that part of [Mr. Worth's] backyard is in her backyard and their garages are separated completely down the middle between the properties. She asked the board to review the legal survey in the packet, which she said had been stamped by Yavapai County and, if you look at it, she is not off the property line. Ms. Foy said that the precedence is that you approved my neighbor for a remodel that he tore down completely under the guise that he would keep a wall, under the same premise as mine. She said, it does not fall on me to keep his setbacks, to keep him safe, because that is how the ordinance is laid out. If you don't like the ordinance, you pass it and change it. Ms. Foy said that no one liked the 22-foot building, so she changed it. As for the interpretation of a remodel or a demolish, she said that Mr. Wood's opinion is not the rule of law. Your own attorney, five years ago, defined that as a complete remodel, not a demolition. If you set the precedent of allowing someone to do exactly what I am asking to do, right next door, with no setback, considered a historic building, and it was built anyway, you can't explain to people that the rule of law does not make sense and vote against the rule of law. Ms. Foy said she appreciated that the board were trying to understand the ordinance, but the law states that it is a remodel; all you need to keep is one wall. She said she was trying to keep the integrity of the building by having something interesting inside and something that was compatible and beautiful on the outside. Ms. Foy added that it will be safe because it is completely metal clad and, though there was talk that it was a pole kit that you buy and erect yourself, that was not true. There were engineered drawings in the packet for the foundations and posts, and it will be built like a garage or pole barn. She said they last longer even than houses. Ms. Foy said that if there were more questions, she would answer them, and if anything was brought up, she would like to address it. She said you can't vote on what you wish was in the ordinance; if it isn't in the ordinance, it should pass. That is reasonable.

Mr. Wood questioned the slope of the median.

Ms. Foy replied that was outside your purview.

There was some discussion as to what Design Review was responsible for reviewing.

Mr. Wood said that he would like to bring the discussion around to whether this is a remodel or a demolition. His opinion is that Kelley Foy is asking for demolition, and he does not see any language in our ordinance that makes it a remodel.

Mr. Blodgett explained that we don't even have a definition for remodel, and he had to look at the standards of our neighbors. Most of our neighbors, counties all the way down to Tucson, leave one wall, but that is open to a lot of interpretation.

Ms. Wittner asked if she was keeping the wall, which Ms. Foy confirmed.

Mr. Wood questioned the size of the wall and Mr. Blodgett said it was a full-sized wall.

Ms. Wittner said that if the wall is staying, then it isn't a 100% demolition.

Mr. Wood repeated that our ordinance does not talk about it in that way.

Ms. Wittner asked why the other garage was able to be demolished and rebuilt on the same footprint.

Mr. Wood replied that he did not think we should make the same mistake over and over.

Mr. Christensen commented that Ms. Foy made the point that we can't make a decision based on an ordinance that doesn't exist. He said we need to pass it and then come back and fix it for the future. For clarification, he asked why Mr. Worth said the garage was an illegal nonconforming building.

Mr. Blodgett explained that typically, because the garage was rebuilt on the previous footprint, it did not provide proper setbacks at the time. He said that he could not guess as to the decision that was made by his predecessor, but if it was rebuilt without setbacks, it could be construed as illegal nonconforming. If it was treated in the same fashion, the building could be put back on the same footprint, and that is what the argument is here. Mr. Blodgett said it was the nature of Jerome that so many buildings have zero lot space. For historic preservation officer, he would like to see as much of our historic footprints and historic areas be reused rather than to slowly change the dynamic of the town. There are times to do this for life safety issues, he is not arguing that, but we have to balance many things. He said that the 10% standard caught him off guard, but it is standard in a lot of places in Arizona. Mr. Blodgett said we can write standards and address this and incorporate more stringent standards if we choose, but he would encourage us not to be more stringent than our neighbors. For the sake of fairness, he said it is all about best practices.

Mr. Christensen asked Mr. Worth, what would you like to see?

At first, Mr. Worth began to repeat some of his concerns brought up earlier in the meeting, but Mr. Christensen asked that he please answer his question.

Mr. Worth said that he would like to see a little bit of a setback. He said Ms. Foy has been approved for a 16-foot height; he disagreed with how the median slope had been figured, and said he would like to see it 14 feet and a little bit back. He mentioned survey pins that had been put into the property to make sure he was not over Ms. Foy's property line. As to the comments about his own garage, Mr. Worth said his rebuild was approved with leaving in the back wall, but he did not keep it because the building inspector said it wasn't safe and he would expect the same treatment for Ms. Foy's wall. He said his complaint is there is no definition of how the existing wall will be incorporated into a pole barn.

Mr. Wood said he would like to say that "pole barn" is a derogatory term that he would not apply to the project.

Mr. Worth repeated some of his prior concerns about height and setbacks that were covered in P&Z.

Mr. Blodgett explained that P&Z had a lot of issues that do not pertain to DRB; they determined 14-foot off the median grade as per the ordinance.

We also had Ms. Foy's survey and had no issues. He explained that we have had multiple iterations of the packet, which were all on public record, and we simplified the current packet because it was getting too big; we were complicating the packet. There were also a lot of concerns that are under the purview of our Building Inspector, Barry Wolstencroft. Before a building permit is issued, he has his list of requirements that will apply. At this point, Ms. Foy and Mr. Worth began to repeat some of their previous concerns and brought up some past experiences with one another that were unrelated to the agenda item.

Jerome resident Barbara Nelson said that she also had a petition to speak and would like to make her comments. Mr. Wood invited her to speak. (1:13:38) Ms. Nelson said that she lived at 639 Center Ave, directly south of where the garage project is going to be. She said she wanted to start by saying their concerns are not that they don't like [Ms. Foy], that has nothing to do with it. When the packets come out and we look at them, there's a lot of things in them that don't jive. We've asked, "what's going there?" We have asked the Zoning Administrator on occasion, and he doesn't really answer us and when they put out another packet, there's still lots of inconsistencies. We don't know what's going to be there; we just want to know what's going to be there. Then, be able to have free speech to express what we see as not fitting into the residential areas of a historic town. So, we want to know: what are the materials that are going to be on the outside? That's what this committee does a lot of. And we don't know from the packets, [Mr. Blodgett] said something about a wall and we were like, what? What wall where? Especially when it is right there, 3 inches from our house. So, I think we have a right to say something. We are not out to attack Kelley [Foy], and we did not say the things she said we did. Ms. Nelson said that she just had to say that.

Mr. Christensen asked Mr. Blodgett, just a simple yes or no question, is this a legal nonconforming building and is it possible to find that out?

Mr. Blodgett replied that he did not know.

Ms. Muenz explained that the Planning & Zoning records go back as far as 1978 or '79, so any work that was done prior to that time would not be on record.

Mr. Blodgett said that the goal is always to bring nonconforming buildings into conformity but there is a gray area with remodels due to missing or lacking data.

Mr. Christensen said that he saw 3 points of contention. The first is Mr. Wood's concern with the definition of demolition or remodel. He felt the language is too vague for us to deny this application. The second point of contention is that Ms. Foy sees a precedent set with the neighbor being able to do what they did. The final point with Gregory Worth and Barbara Nelson is the application not showing specific materials. As for the illegal nonconforming building and determining the height: we can't say for sure it is illegal or not. Mr. Christensen said it was a valid point that there are not materials in front of us. He would like it to be clarified what the color and material will be and, based solely on that, will determine what his decision will be. As far as that goes, it is his opinion that it is visually compatible. The wall that will be incorporated does not seem like it will be seen, it will only be visible on the inside of the structure, so that is not a concern of his. Unless we can confirm it is, in fact, an illegal nonconforming structure, he did not see a reason not to approve it. For clarification, he asked Ms. Foy, what color are you going to use?

Ms. Foy replied that it would be charcoal gray and there was an image of the material. She said it is a metal building with the same material on top of the building as the side of the building. Just one color and material.

Mr. Wood said he would like to ask a question. In our ordinance, what Design Review has to work with, is legible drawings and plans. In the past, we accepted smaller things, but in the legal certified survey he cannot read any of the numbers because it is too small. He said this was a case where a larger format would have helped us a lot. Also, there is a huge legal question he would hate to leave hanging of who owns what.

Mr. Blodgett said the Planning & Zoning Commission had access to the survey and had no issues with the location at that time.

Mr. Wood expressed concern about the common practice of setting a certain percentage threshold. He said that his mind doesn't go there that you can do that much demolition and call it a remodel. It is not in our ordinance, and it is up to us to decide if it is a demolition or a remodel. Mr. Wood said he would like to settle this by making a motion that we recognize this as a demolition. The building, from a design point of view, will be gone. So, he does not see how, working with the Jerome ordinance, we can do anything except say you need a demolition permit. He said he does not see a problem with that because if you want a demolition permit, you take it to Design Review.

Mr. Blodgett said that if you choose to treat it that way, the applicant will have to go back and redesign and modify the setbacks. He repeated that we need to remember to be careful because we don't have this well-defined.

Mr. Christensen said that he believed that, because it is not well-defined, we cannot decide based solely on opinion if it is a demolition or a remodel.

Ms. Romberger said she thought, because there is a historic wall there that Ms. Foy is incorporating into the building, the building will be part of the historical wall.

Mr. Christensen repeated that there is also the example of the next-door neighbor.

Ms. Romberger said that she had to think of it as a remodel because there is a historical wall there and it is not going to be torn down; she is using it.

Mr. Wood countered that if you are standing on Center Street, you will not see that wall, everything you see will be new. If we don't have language in the ordinance, that we understand, it seems to me that we don't need hints that there are other places that do it another way. We are in Jerome.

Mr. Blodgett suggested that we don't exist in a vacuum, and we must consider what our neighbors, and the bulk of the state, are doing as well.

Mr. Wood said that very few places are totally historic, we are unique and should be careful what we do.

Mr. Blodgett said that he does advocate updating the language in the ordinance and adding an increased threshold, but we do not have that right now, so he felt it could open up legal issues if we go outside the standard best practices.

Mr. Worth repeated that there is no definition about how wall and building put together.

There was some discussion as to where the wall was located.

Jerome resident Tony Schadeegg asked to make a comment. He said, as far as the remodel or full destruction, what does the state law say? What does the federal law say? Mr. Schadeegg said that everywhere he has worked if you leave one wall it's a remodel. For this little town to say no, we can't go with those rules even though you can't see it, but that's the law. Why don't you go with what the state or federal rules say since the town



doesn't address it.

Mr. Blodgett explained to those present that Jerome is a Certified Local Government, and that does give some historic preservation responsibilities to us. Because it is not defined in our ordinance, the decision is sent to DRB, our historic preservation commission, which falls under the legal protection provided for historic preservation. Beyond that, there is a lot of responsibility on us. This might seem new to people, but he is trying to follow these procedures. Mr. Blodgett repeated that he wished that we had a definition because it would save us time, but we could also follow federal historical guidelines that apply.

Mr. Wood said that the question that is hanging is, is this a remodel or is this a demolition? He would like to settle that before we go any farther. He would like to make a motion that we consider it a situation that calls for demolition and it is not a remodel. Mr. Wood asked if there was a second to his motion.

Mr. Christensen said that he would make a motion for the opposite, that it is a remodel.

Ms. Wittner seconded the motion.

Mr. Worth brought up the issue of the property lines again and was instructed that was not an issue for Design Review.

**Motion to consider the Garage Project at 121 Third Street as a Remodel**

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD				X		

Mr. Christensen said, as a remodel, the only other thing we needed to clarify are the materials and color, which we have done. Based on that, he made a motion to approve the project as presented.

Ms. Wittner seconded the motion.

Mr. Worth again asked about the issue of property lines and the board members agreed that we could not give legal advice.

Mr. McDonald was asked if he would like to add anything. He said he felt like the proposal is visually compatible and an improvement to that shed. He understands that there is a lot of contention about a few inches of survey line or height; those are things decided by Planning & Zoning and have no bearing on our decisions. We are not in a position to make decisions based on those things, and we have to respect Planning & Zoning approval. If they are wrong, it is your right to go to the Board of Adjustment to seek redress. It is not for us to decide what Planning & Zoning should do, ours is only to find compatibility and he finds it compatible with the neighborhood and, in many ways, and improvement.

In response, Mr. Christensen commented, "well said."

Mr. Wood said he would like to make the point that if he sees a house on fire, even if he thinks fire is good, he is going to call the Fire Department.

Mr. Christensen replied that if this was a demolition, that would apply, but it is not.

For the record Ms. Muenz asked if Mr. Wood voted nay because he felt it was a demolition and not a remodel, which he confirmed.

Mr. Blodgett commented that with budgetary approval, he is hoping there can be ordinance rewrites which will help in a similar situation in the future because we have some gray areas that will be addressed.

Ms. Romberger agreed that there would be more situations like this in the future and she hoped that was at the top of the list.

**Motion to approve the Garage Remodel project at 121 Third Street as presented**

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN	X		X			
MCDONALD			X			
ROMBERGER			X			
WITTNER		X	X			
WOOD				X		

**Meeting Updates:**

**7:38 () Item 9: Updates of recent and upcoming meetings**

- April 11 regular Council meeting- To be updated
- April 18 regular meeting of Planning & Zoning Commission – To be Updated

**Item 10: Future DRB Agenda Items for Tuesday, May 23, 2023: TBD**

Ms. Wittner asked about the lock on the cemetery and Mr. Blodgett explained that it was private property, and the intention was to prevent damage to the property.

There was some discussion about the cemetery and the land around it.

Mr. Christensen said he would like to make a direction to staff to make sure that materials are presented physically because going forward we will not approve anything without materials.

There was some discussion as to whether the choice of material for the garage had been clarified and it was confirmed that it was.

Mr. Wood commented that he did not agree with the determination of the height.

There was some discussion about the height of a building and whether it affected visual compatibility.

Ms. Nelson asked if we could have Planning & Zoning review it again and Mr. Wood said that the momentum of this project is preventing that.

Mr. Worth expressed his disagreement again and said he would take it to Council shortly.

Mr. Wood said that he wanted to make the point that he has been in situations where we have made a decision that somehow, down the line, didn't happen. He was curious as to how that worked, and he was told that the state can come and override us, or SHPO can.

Mr. Blodgett confirmed that was the case, and said that previously, we didn't have anyone who was qualified to do what our CLG status requires.

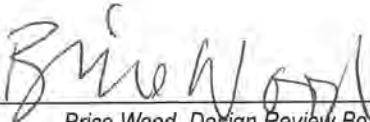
He is not sure what historic preservation experience our former Planners had. He is trying to bring the review procedure that we should do under our CLG rather than to put that responsibility onto SHPO.

Mr. Wood said we are supposed to do the best we can with what we have, and he hopes that is what we are doing.

**Item 11: Adjourn**

**Motion to adjourn at 7:49 p.m.**

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CHRISTENSEN		X	X			
MCDONALD			X			
ROMBERGER			X			
WITTNER	X		X			
WOOD			X			

Approved:  Date: 5-23-23  
 Brice Wood, Design Review Board Chair

Attest:  Date: 5/23/2023  
 Kristen Muenz, Deputy Town Clerk